

## **MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING**

**TUESDAY ~ MAY 7, 2013 ~ 6:00 P.M.**

### **FORT SMITH PUBLIC SCHOOLS SERVICE CENTER**

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Mayor Sanders, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, Kevin Settle and Philip H. Merry, Jr.; absent - Director Pam Weber. The Mayor declared a quorum present.

Mayor Sanders announced that May 5 - 11, 2013 is Municipal Clerks Week; therefore, he recognized the Office of the City Clerk and presented a proclamation to City Clerk Sherri Gard declaring such as City Clerks Week in the city of Fort Smith (Item No. 1).

The Mayor also extended a heartfelt welcome to several members of the current Citizens Academy class, who were in attendance.

Mayor Sanders inquired if any Board member had any item of business to present that was not already on the agenda. There was none presented.

The minutes of the April 16, 2013 regular meeting were presented for approval. Settle, seconded by Lorenz, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

With regard to the time limit policy for persons wishing to address the Board, the Mayor communicated that five (5) minutes per side would be granted for controversial items with three (3) minutes for rebuttal per side, and two (2) minutes for comments only.

Item No. 2 was an ordinance rezoning identified property and amending the zoning

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map (from Unzoned to Industrial Light (I-1) by classification located at 7300 Chad Colley Boulevard).

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Mickle Wagner Coleman, agent for the Fort Chaffee Redevelopment Authority (FCRA). The purpose of the rezoning is to allow the development of a metal processing company, who processes and distributes aluminum and stainless steel. The Planning Commission held a public hearing on April 9, 2013 with no individual present to speak in opposition. The Planning Commission unanimously amended the rezoning request to make approval subject to the following:

- Approval of the submitted development plan
- Fort Chaffee Redevelopment Authority approval of the development plan

The Planning Commission approved the amended request by a vote of eight (8) in favor and zero (0) opposed. Since approval by the Planning Commission, the FCRA has also approved the development plan.

Lau, seconded by Good, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 19-13.

Item No. 3 was an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith (*Planned Zoning Districts*).

Mr. Bailey briefed the Board on the item advising the Unified Development

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Ordinance (UDO) currently provides three (3) methods to apply for rezoning of property, which are as follows:

1. Conventional rezoning with a development plan
2. Conventional rezoning with a deferral of a development plan
3. Planned development district

The preferred method of both staff and Planning Commission has been a rezoning with a development plan (Method No. 1). The UDO requires a thorough and detailed development plan be submitted, which requires many design decisions be made early in the process. Some developers have expressed concern with the requirement; therefore and after research, staff found that other communities in Arkansas and the region have an additional zoning method known as a Planned Zoning District (PZD). Such method requires a project booklet describing the many facets of the proposed rezoning and the development project. All development that occurs following approval of a PZD rezoning must comply with the details of the submitted project booklet; however, such provides for greater flexibility for the developer. The Planning Commission held several work sessions to review the proposed amendment and held a public hearing on April 9, 2013 with no individual present to speak in opposition. The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend the amendment to the Board of Directors for consideration.

The following individual was present to address the Board:

- David Harris  
Fort Smith, Arkansas

Re: Questioned what would happen if a PZD zoning is approved and the property is sold to someone who opts to utilize said property with a different land use.

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Mr. Bailey clarified that if the project booklet submitted with the existing PZD rezoning includes the new owners intended use, such use will be allowed to occur. If the new owner wishes to utilize the property for another use not included within the PZD rezoning, the new owners would be required to rezone the property, which must be reviewed by the Planning Commission and approved by the Board of Directors.

Settle, seconded by Merry, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members present all voting affirmatively, the Mayor declared the motion carried. Lorenz, seconded by Good, moved adoption of Section 3 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 20-13.

Item No. 4 was an ordinance establishing regulations and charges for residential sanitation services provided by the Department of Sanitation of the City of Fort Smith.

Director of Sanitation Baridi Nkokheli briefed the Board on the item advising the proposed ordinance reduces the monthly residential sanitation rate by \$1.10 per month per household, from \$14.38 to \$13.28. The reduced rate was incorporated into the 2013 Budget and upon approval, will go into effect on July 1, 2013. The rate reduction is a direct result of increased efficiency created by the citywide, automated residential solid waste collection.

Director Settle extended much appreciation to Mr. Nkokheli and Department of Sanitation staff for their efforts to increase efficiency. He further extended much gratitude to Mr. Joel Culberson, who spearheaded the initiative petition drive to get automated refuse

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collection expanded citywide, as well as the voters who overwhelmingly passed the measure at the last general election.

Lorenz, seconded by Lau, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 21-13.

Item No. 5 was an ordinance amending Section 7-71 of the Fort Smith Municipal Code to decrease the number of members on the Oak Cemetery Commission.

Director of Parks and Recreation Mike Alsup briefed the Board on the item advising the Oak Cemetery Commission currently maintains nine (9) members. The Oak Cemetery Commission was originally established with seven (7) members; however, the membership was increased to provide more help with the Tales of the Crypt and to assist in obtaining a quorum for meetings. Unfortunately, the increased membership has not assisted in obtaining a quorum for meetings. Two (2) existing members no longer wish to serve; therefore, the Oak Cemetery Commission feels such is the right time to reduce the membership back to seven (7) members and recommend approval.

Merry, seconded by Good, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 22-13.

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The Consent Agenda (Item No. 6) was introduced for consideration, the items being as follows:

- A. Resolution to accept the bids and authorize a contract for the construction of Dallas Street Repair / Diamond Grinding, Project No. 13-90-A (\$230,592.75 / Engineering Department / Budgeted - Sales Tax Program)
- B. Resolution authorizing the Mayor to execute an agreement for professional services with MAHG Architecture, Inc. for the Belle Grove Center (\$25,225.00 / Parks Department / Budgeted - Parks Department Capital Outlay)
- C. Resolution authorizing execution of an agreement between Fort Smith EMS, Inc. and the City of Fort Smith, Arkansas for use of a portion of Elm Grove Community Center
- D. Resolution accepting donation of Lot 12 Block 36 located at 701 North 8th Street adjacent to the Belle Grove Center property
- E. Resolution authorizing a lease agreement with The American National Red Cross
- F. Resolution accepting bid for land fill bulldozer (\$568,124.10 / Sanitation Department / Budgeted - Sinking Fund)

Regarding Item No. 6A, Director Catsavis noted the bid from Forsgren, Inc. is much less than other bids submitted; therefore, expressed concern with the potential for future change orders.

Director of Engineering Stan Snodgrass clarified the contract includes unit price bidding; therefore, unless additional work is discovered to be necessary, an increase in the contract cost is not anticipated.

Director Settle indicated the work will be performed in the summer when school is out, but questioned if such will occur during daytime hours.

Mr. Snodgrass confirmed work will be performed during daytime hours.

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Unfortunately, there is “no good detour” in the area, which is the primary reason the work was scheduled in the summer; however, he conveyed much assurance traffic flow will be dealt with in the best way possible.

Lorenz, seconded by Settle, moved adoption of all consent agenda items. The members present all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-63-13 through R-68-13 respectively.

Mayor Sanders opened the Officials Forum with the following comments offered:

◆ **Mayor Sanders**

- Re:
1. Extended much appreciation to the Leadership Fort Smith class for their valuable recommendations regarding the Belle Grove Community Center.
  2. Reminded all of the upcoming election on Tuesday, May 14<sup>th</sup> regarding continuance of the 1% countywide sales tax and noted early voting is ongoing through Monday, May 13<sup>th</sup>. He further encouraged all county residents to exercise their right to vote.

◆ **Director Settle**

Re: Noted Josiah Hawley, Fort Smith native and 2003 graduate of Northside High School, is a contestant on the popular tv show, “The Voice”. He conveyed much hope that Josiah will advance and encouraged all Fort Smithians to support Josiah.

◆ **Director Merry**

- Re:
1. Also encouraged all to exercise their right and vote in the upcoming election on May 14<sup>th</sup> regarding the 1% countywide sales tax.
  2. Invited all to attend a reception from 5:30 to 7:30 p.m., Tuesday, May 14 at the Arkansas Best Performing Arts Center honoring the following:

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Cindy Bagby - Nutrition for Children Initiative  
Teresa Morton - Animal Advocacy  
Sam T. Sicard - Step Up, Speak Out

The Board convened into executive session (*placed on the agenda by unanimous consent of the Board of Directors on May 3, 2013*) at approximately 6:30 p.m. After reconvening, Mayor Sanders announced the following appointment nomination:

**PLANNING COMMISSION**

Robert Cooper, Jr.  
Term expires April 30, 2016

Lorenz, seconded by Lau, moved acceptance of the appointment nomination. The members present all voting aye, the Mayor declared the motion carried.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Good and the members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:37 p.m.

**APPROVED:**

  
**MAYOR**

**ATTEST:**

*acting*   
**CITY CLERK**